

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
CRAIG TERRY ROBBINS and) CASE NO. 04-62716 JPK
KARRIE LYNN ROBBINS,) Chapter 7
)
Debtors.)

ORDER DENYING MOTION TO RECONSIDER ORDER
OF JUNE 19, 2006

On June 19, 2006, the Court entered an order which determined that service of process of documents filed in relation to a Motion to Avoid Lien filed by the debtors on May 23, 2006, was insufficient. The specific insufficiency was failure of service of process to comply with the requirements of Fed.R.Bankr.P. 7004(b)(3) and Fed.R.Bankr.P. 7004(b)(7)/Indiana Trial Rule 4.6(a)(1) and (2). The order recited a number of judicial opinions which support the determination made by the Court in the order.

The debtors filed a Motion to Reconsider Order of June 19, 2006 on June 29, 2006. The gist of the motion is that the entity designated in the debtors' motion as Radiologic Association of Northwest Indiana is not a corporation, and that the address utilized for service upon that entity was that provided by the creditor.

The motion has missed the point of the foregoing rules. As specifically stated in Fed.R.Bankr.P. 7004(b)(3), that provision applies not only to corporations, but also to "a partnership or other unincorporated association". Indiana Trial Rule 4.6(a)(1) refers to service upon "organizations", a term defined by Indiana Trial Rule 83(5) to include, without limitation, "a domestic or foreign corporation, partnership, unincorporated association, business trust, governmental organization or an organization which is a representative". The creditor entity to which the debtors' motion relates is clearly not "an individual", thus even if it is not a corporation, it is either a "partnership or other unincorporated association" or an "organization".

Thus, in order for service to be effective, it must be directed specifically and expressly "to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process . . .". The form of service of process utilized by the debtors' counsel fails to accord with this requirement.

The Court finds that the debtors' motion fails to state any grounds upon which it may be granted, and should therefore be denied.

IT IS ORDERED that the Motion to Reconsider Order of June 19, 2006, filed on June 29, 2006, is denied.

Dated at Hammond, Indiana on July 10, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee